



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,891	03/22/2004	Russell W. Speight	41698.1114	1903

7590 08/11/2005

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,891	Applicant(s) SPEIGHT, RUSSELL W.	
	Examiner Creighton H. Smith	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-14, 17-20, 23-26, 29-32 and 35 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 15, 16, 21, 22, 27, 34 and 2833 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-14, 17-20, 23-26, 29-32, and 35 are rejected under 35 U.S.C.

103(a) as being unpatentable over Timmons et al, U.S. patent Publication #2004/0029567.

Timmons et al discloses in [0053] a personalized information service that allows a user to create multiple contacts folders, 607/609-Fig. 9 & [0081]. The contacts folder contains personal information and business contacts, [0051]. The user's profile or folder specifies the preferred types of events, goods, services, manufacturers, merchants so that the user is automatically provided with a personalized service without the need to report the preferences each time when calling an operator to obtain information and assistance, [0006] & [0046]. So, when the user first calls the operator for directory assistance, the operator conducts a data search and generates a record containing a plurality of telephone numbers from the search.

In [0081] Timmons et al disclose, as an example, a profile/folder for a person named Bob having multiple contacts such as home, business, and mobile phone numbers. In [0106], Timmons discloses that the user may manipulate the menu presented by the operator by pressing specified keys. Alternatively, the user's selection is spoken into telecommunications device 244, [0106]. Timmons discloses that when the user presses the #2 key, it enables her to skip to the next service feature. In [0115], Timmons et al

Art Unit: 2645

disclose that if the outgoing call to the destination phone number cannot be completed because of a call status condition is indicated as busy, the user is afforded additional menu options such as attempting the same destination phone number again by pressing the #1 key or to record a message for later delivery. Timmons et al never discloses that the user can try 2 or more of the telephone numbers in the contact folder. However, it would have been obvious to a person having ordinary skill in the art, with Timmons disclosure of multiple contact phone numbers in [0081] and in [0115] of a busy call status condition allowing the user to manipulate menu options, to also allow the user to try different contact phone numbers when the first phone number is busy or will not answer. The motivation for this modification is shown by Timmons et al in ¶s [0081] & [0115].

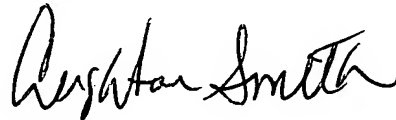
For claim 10, see [0116]. Regarding claims 8 & 11, Timmons discloses two call status conditions – busy in [0115] and ring-no-answer in [0116]. Regarding claim 24, Timmons discloses in [0082] and EDIT option 707 that is provided to edit contact information allowing each field to be modified. Regarding claim 25, Timmons never discloses an interface. However, one is inherently in Timmons system because as the caller calls in over the in to the operator over the PSTN, the caller's ANI is captured and then sent to a database to recall the user's contact folders. The interface is at the demarcation point where the user's ANI is sent to a database for the retrieval of the contact folders.

Art Unit: 2645

Claims 6, 7, 15, 16, 21, 22, 27, 28, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Creighton H.

Smith at telephone number 571/272-7546.

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is written in a cursive, flowing style.

01 AUG '05

Creighton H Smith
Primary Examiner
Art Unit 2645